

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA 18-CR-6094(G)

vs.
CARLOS JAVIER FIGUEROA, Rochester, New York
Defendant. May 27, 2021
11:36 a.m.
- - - - -X

TRANSCRIPT OF TESTIMONY OF SCOTT FERRO
BEFORE THE HONORABLE FRANK P. GERACI, JR.
UNITED STATES DISTRICT CHIEF JUDGE

JAMES P. KENNEDY, JR., ESQ.
United States Attorney
BY: ROBERT A. MARANGOLA, ESQ.
CASSIE M. KOCHER, ESQ.
Assistant United States Attorneys
500 Federal Building
Rochester, New York 14614
Appearing on behalf of the United States

PAUL J. VACCA, JR., ESQ.
One East Main Street, Suite 1000
Rochester, New York 14614
Appearing on behalf of the Defendant

ALSO PRESENT: Gabriela Loncar, Spanish Interpreter
Barbara Considine, Spanish Interpreter

COURT REPORTER: Christi A. Macri, FAPR-RMR-CRR-CSR(NY/CA)
Christimacri50@gmail.com
Kenneth B. Keating Federal Building
100 State Street, Room 2640
Rochester, New York 14614

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS FOR THE GOVERNMENT

Scott Ferro

Direct examination by Ms. Kocher

Page 3

P R O C E E D I N G S

* * *

(WHEREUPON, the defendant is present).

GOVERNMENT'S WITNESS, SCOTT FERRO, SWORN

DIRECT EXAMINATION

THE CLERK: Please state your name and spell your last name for the record.

THE WITNESS: Scott Ferro, F-E-R-R-O.

THE REPORTER: Thank you.

MS. KOCHER: May Investigator Ferro remove his mask?

THE COURT: Yes, you may remove your mask since you're behind plexiglas.

THE WITNESS: Thank you.

BY MS. KOCHER:

Q. Good morning.

A. Good morning.

Q. Welcome back. You previously testified about some cell phone extractions you performed as a part of Operation Burbank Bust?

A. Yes.

Q. Do you recall that testimony?

A. Yes, I do.

Q. All right. Now, when you left off I believe you mentioned you had performed extractions on some additional cell phones; is that correct?

1 A. Yes.

2 Q. Now, I'd like to have you look in the box to your left and
3 find the item that is marked Exhibit 781.

4 A. Yes.

11:38:19AM 5 Q. You got that?

6 A. Yes.

7 Q. Now, that item has been received into evidence, but is
8 that a phone you were asked to perform an extraction on?

9 A. Yes.

11:38:26AM 10 Q. What type of phone is that?

11 A. That's an iPhone.

12 Q. Now, if you could flip in your binder -- if we could
13 publish for the jury on the Trial Director Exhibit 781A.
14 Investigator, do you recognize what this item is?

11:38:50AM 15 A. Yes.

16 Q. And what is Exhibit 781A?

17 A. This is -- I'm sorry, I'm in the wrong -- 781A. Yes, this
18 is an extraction that I performed, partial copy of the phone
19 extraction that I performed.

11:39:11AM 20 Q. Is this the extraction that you performed on that iPhone
21 that's marked Exhibit 781?

22 A. Yes.

23 Q. You mentioned this is a partial extraction so it's just --
24 it's not the full extraction, correct?

11:39:24AM 25 A. Correct.

1 Q. Now, are you able to tell what the phone number is
2 associated with the iPhone in Exhibit 781? We've zoomed in on
3 the monitor, the bottom half of page 1 of Exhibit 781A.

4 A. Yes.

11:39:43AM 5 Q. What was the phone number associated with that iPhone?

6 A. The last phone number is 585-732-8902.

7 Q. Okay. Do you also see an Apple ID associated with this
8 iPhone?

9 A. Yes.

11:40:02AM 10 Q. And what was the Apple ID?

11 A. It's oj.juice.yelder@gmail.com.

12 Q. Now, Investigator, I'd like to ask you to turn to
13 Government's Exhibit 10. You should have a hard copy in front
14 of you -- not in the binder. And it's also posted on the
11:40:29AM 15 visualizer. Do you see that phone number 732-8902 listed on

16 Government's Exhibit 10?

17 A. Yes, I do.

18 Q. And where is that on Government's Exhibit 10?

19 A. It is eight from the bottom.

11:40:47AM 20 Q. It's in kind of an orangey font?

21 A. Yes.

22 Q. There's an asterisk next to that number; is that correct?

23 A. Yes, there is.

24 Q. And does that delineate this was a wiretap phone?

11:41:00AM 25 A. Correct.

1 Q. Who was the user associated with that phone number on the
2 chart?

3 A. Orlando Yelder.

4 Q. And do you see in the third column for exhibit number
11:41:11AM 5 there's the letters EX and a line next to it?

6 A. Yes.

7 Q. Would you mind writing the exhibit number that's
8 associated with the phone number 732-8902 on the hard copy of
9 Exhibit 10? And your initials beside it.

11:41:31AM 10 A. Okay.

11 Q. Okay. Did you place the item -- the number 781 and your
12 initials in that area?

13 A. Yes, I did, yes.

14 Q. Now, Investigator, if you could look back in that box for
11:41:52AM 15 Exhibit 782?

16 A. Put this one back?

17 Q. Sure. Do you recognize Exhibit 782 that has already been
18 received into evidence?

19 A. Yes.

11:42:14AM 20 Q. What is that?

21 A. This is a cell phone that I performed an extraction on in
22 relation to this case.

23 Q. Okay. And how do you know that's the cell phone you
24 performed an extraction on?

11:42:27AM 25 A. It has the property -- the CR number as well as my

1 initials on the bag when I opened this bag.

2 Q. Okay. I'd like to publish for the jury and what will
3 appear on your monitor Exhibit 782A that's already been
4 received into evidence. Do you recognize Exhibit 782A? It's
11:42:54AM 5 also on your monitor if you prefer to look there.

6 A. Yes, this is a partial extraction report in regards to
7 this phone.

8 Q. And the portions of that extraction report, are those a
9 fair and accurate copy of the full extraction report or parts
11:43:15AM 10 of the full extraction that you performed?

11 A. Yes.

12 Q. Now, could you also take a look in your binder at what has
13 not been received into evidence -- it should be the very last
14 page -- and it's marked Exhibit 782B.

11:43:40AM 15 A. Okay.

16 Q. Do you recognize Exhibit 782B?

17 A. Yes.

18 Q. What is that item?

19 A. This is the MMS, the mobile media messages that were
11:43:54AM 20 extracted from this phone.

21 Q. Okay. That were extracted from Exhibit 782?

22 A. Yes.

23 Q. And that's a one-page document Exhibit 782B?

24 A. Yes.

11:44:05AM 25 Q. Does that one-page document fairly and accurately depict

1 the portion of the extraction report that you completed for
2 the MMS messages on that phone?

3 A. Yes.

4 **MS. KOCHER:** Your Honor, I'd offer Exhibit 782B.

11:44:24AM 5 **MR. VACCA:** No objection, Your Honor.

6 **THE COURT:** Exhibit 782B will be received.

7 (**WHEREUPON**, Government's Exhibit 782B was received
8 into evidence).

9 **BY MS. KOCHER:**

11:44:34AM 10 Q. Okay. All right, Investigator, if you could explain to us
11 what we're looking at here in Exhibit 782B?

12 A. So these are messages that were sent either to or from
13 this phone. They're mobile media messages, so they contain
14 either pictures or some other kind of data.

11:44:57AM 15 Q. Now, when you performed the extraction on Exhibit 782,
16 were you able to determine what the phone number associated
17 with that phone was?

18 A. Yes.

19 Q. How did you determine the phone number?

11:45:12AM 20 A. It was in the phone, the phone number was programmed in
21 the phone, but also in the to and from area of the phone where
22 you could see if there was a message going out or a message
23 coming in. So in this instance there was incoming messages
24 and it was to the number of 585-353-8942.

11:45:37AM 25 Q. And let's take a look at that, the first entry of the MMS

1 messages here on Exhibit 782B. Can you describe the first
2 column entitled parties?

3 A. Yeah, this is the -- where it has the to or from. So in
4 the first -- message number 1, the parties, it has the time
11:46:03AM 5 stamp, so date and time of when the message was sent or
6 received; it has the parties involved in the call, so it's
7 either who is sending it or who is receiving it; and then the
8 direction that it's going, incoming or outgoing.

9 Q. Okay. So the first entry indicates the direction is
11:46:22AM 10 incoming?

11 A. Correct.

12 Q. So how are you able to determine that the phone number
13 associated with Exhibit 782 is that 353-8942 phone number?

14 A. Because it has the -- that's the incoming number
11:46:41AM 15 associated with this text as well as that was the number that
16 was programmed into the phone, but it was confirmed by the
17 incoming messages.

18 Q. Okay. If we could turn back to the first page of
19 Exhibit 782A? Do you see that phone number on this first page
11:47:09AM 20 of the extraction report?

21 A. No.

22 Q. Why is that?

23 A. So some phones, especially flip phones, when you're
24 performing extractions they don't do -- not everything is
11:47:23AM 25 going to be the same with each extraction. This phone did not

1 pull the phone number from it during the extraction.

2 Q. You were able to determine the phone number by actually
3 looking at the phone physically?

4 A. Yes.

11:47:39AM 5 Q. You're also able to confirm the phone number was
6 585-353-8942 based upon the incoming and outgoing messages
7 that were received in Exhibit 782B?

8 A. Yes.

9 Q. Now, I'd ask you again to take a look at Exhibit 10. Do
11:48:06AM 10 you see Orlando Yelder listed on here twice?

11 A. Yes, I do.

12 Q. Now, the first time that Orlando Yelder is listed you've
13 already marked with Exhibit 781 on the hard copy in front of
14 you?

11:48:20AM 15 A. Yes.

16 Q. The second time that Orlando Yelder is listed is directly
17 below that, correct?

18 A. Yes, it is.

19 Q. Do you see the phone number listed for the second entry of
11:48:33AM 20 Orlando Yelder?

21 A. Yes, I do.

22 Q. And is that the same phone number as the phone number you
23 just described as being associated with Exhibit 782?

24 A. So on this sheet it is -- the number says 335-8942, but
11:48:51AM 25 the number on the -- from this phone in 782 is 353-8942.

1 Q. Okay. So it's one digit off? Those first three numbers
2 should be 353?

3 A. Correct.

4 Q. Okay. Investigator, if you wouldn't mind making that
11:49:12AM 5 correction on the hard copy of Exhibit 10 and placing your
6 initials by it? If you can also write 782 next to the exhibit
7 number in the third column with your initials?

8 A. Okay.

9 Q. Have you made those changes?

11:49:33AM 10 A. Yes.

11 Q. Now, Investigator, I'd next ask you to take a look -- if
12 you want to return that phone to your box and remove
13 Exhibit 536? What phone is that?

14 A. This is a LG flip phone that I performed an extraction on
11:50:07AM 15 in relation to this case.

16 Q. And where was that phone seized from?

17 A. I cannot read this -- this evidence bag. It was Burbank
18 Street, but I cannot read the address.

19 Q. What day was it seized?

11:50:29AM 20 A. Also I cannot read that either.

21 Q. Okay. It's an LG flip phone?

22 A. Yes.

23 Q. When you came -- that's a phone you performed an
24 extraction on?

11:50:42AM 25 A. Yes.

1 Q. When you came to perform an extraction on that phone, did
2 you receive it in a sealed condition?

3 A. Yes, it was in this bag in a sealed condition.

4 Q. Does it appear to be in the same or substantially the same
11:50:53AM 5 condition as when you came to possess it?

6 A. Yes.

7 Q. Okay. Were you able to successfully perform an extraction
8 on Exhibit 536?

9 A. Yes, I was.

11:51:02AM 10 Q. And what program did you use to perform the extraction?

11 A. A Cellebrite UFED 4 PC.

12 Q. Now, after you performed the extraction did you seal that
13 bag back up?

14 A. Yes.

11:51:15AM 15 Q. And does it appear to be in the same or substantially the
16 same condition as it was in when -- after you completed your
17 extraction and sealed it back up?

18 A. Yes.

19 Q. You notice anything different about it?

11:51:30AM 20 A. The only difference is it was opened to put the evidence
21 sticker on the inside.

22 Q. Okay. Are there other phones in that bag?

23 A. Yes.

24 Q. So there's actually one phone in particular that's marked
11:51:41AM 25 536?

1 A. Correct, yes.

2 Q. Does the phone itself appear to be in the same or
3 substantially the same condition as it was in when you
4 examined it?

11:51:51AM 5 A. Yes.

6 Q. Now, I'd ask you to take a look at your binder
7 Exhibit 536A. Would you take a look at those documents?

8 A. Okay.

9 Q. What are those documents that are marked 536A?

11:52:21AM 10 A. This is the partial extraction report that I completed in
11 regards to this phone.

12 Q. Okay. And how do you know that's part of the extraction
13 that you completed on that particular phone?

14 A. It has my name, it has the report number, as well as the
11:52:37AM 15 phone model number.

16 Q. And what portions of the extraction report are included in
17 536A?

18 A. This portion is the contacts and timeline.

19 Q. Okay. Now, do those sections of the extraction report
11:53:00AM 20 appear to be fair and accurate copies of the extraction
21 report -- of the extraction you performed on Exhibit 536?

22 A. Yes.

23 **MS. KOCHER:** Your Honor, at this time I would offer
24 the phone, which is Exhibit 536, and the associated extraction
11:53:16AM 25 report Exhibit 536A.

1 **MR. VACCA:** No objection.

2 **THE COURT:** Exhibit 536 and 536A will be received.

3 (**WHEREUPON**, Government's Exhibits 536 and 536A were
4 received into evidence).

11:53:29AM 5 **BY MS. KOCHER:**

6 Q. Now, Investigator, we have on the visualizer what's been
7 received into evidence as Exhibit 536A. What are we looking
8 at here?

9 A. This is the -- this is the first page of the extraction
11:53:47AM 10 report. It has some information about the device that I used
11 to extract the information from the phone and then the types
12 of extraction that I did and some basic phone information.

13 Q. Okay. What type of extraction were you able to perform on
14 this phone?

11:54:06AM 15 A. This was a file system and a logical extraction. Two
16 different types of extraction.

17 Q. Okay. Were you able to determine the phone number for
18 Exhibit 536?

19 A. Yes.

11:54:19AM 20 Q. And what was the phone number?

21 A. 585-485-8935.

22 Q. All right. Now, I'd ask you if we could turn to page 2 of
23 the exhibit list. What does this portion of the extraction
24 contain?

11:54:45AM 25 A. The device information, some internal report -- internal

1 device information from the Cellebrite machine that I was
2 using, and then the contents of the phone that were extracted,
3 and the contacts.

4 Q. If we could zoom in on the contacts, which is the bottom
11:55:08AM 5 portion of the report? How many contacts in total were saved
6 in the phone Exhibit 536?

7 A. There were 12.

8 Q. So here we're looking at the first six?

9 A. That's correct.

11:55:27AM 10 Q. And if we go to the third page of our extraction report,
11 we've zoomed in on the top half of that report. Does this
12 appear to be contacts 7 through 12?

13 A. Yes.

14 Q. Okay. Now, are some of those contacts preprogrammed?

11:55:47AM 15 A. Yes. Like directory assistance or some times voicemail or
16 bill pay, those things are oftentimes programmed in from the
17 manufacturer when they create the phone.

18 Q. So we're looking at contact numbers 7 through 12. Out of
19 those how many of those appear to be a legitimate contact?

11:56:12AM 20 A. One.

21 Q. I guess not a preprogrammed. Just one?

22 A. One, yes.

23 Q. What is that contact?

24 A. The name that it was saved under is Gordo with a phone
11:56:24AM 25 number of 585-485-2151.

1 Q. And that would be the eighth saved contact?

2 A. Correct.

3 Q. If we could go back to the second page and look at
4 contacts 1 through 6? How many of those contacts appear to be
11:56:47AM 5 presaved or preprogrammed?

6 A. There were four of those programmed in by the
7 manufacturer.

8 Q. Okay. Of the ones that do not appear to be preprogrammed,
9 what are the names of those contacts?

11:57:09AM 10 A. They're both -- they both have the same name and that name
11 is Barba, B-A-R-B-A.

12 Q. Okay. And what is the phone number associated with the
13 second contact listed as Barba?

14 A. 585-203-7495.

11:57:31AM 15 Q. Now, Investigator, I'd like to direct your attention to
16 Exhibit 465A, an extraction report for a phone seized from the
17 rear driver's seat of the black Mazda that's already been
18 received into evidence. If we go to the -- I think second
19 page, do you see the same phone number for Barba, which has
11:58:06AM 20 203-7495 listed here? If you could hit that upper -- that
21 arrow and clear your marks?

22 A. Thank you. I accidentally touched the screen.

23 Q. If you hit the arrow in the upper right corner of the
24 screen and hit the clear button.

11:58:34AM 25 A. Okay.

1 Q. Actually, I apologize, Investigator. I think I just read
2 off the wrong phone number to you. Do you see the -- so the
3 contact number saved in that last phone you were looking at
4 for Gordo, it was 485-2151. Do you see that saved in
5 Exhibit 465A?

11:58:59AM

6 A. Yes, it's the eighth contact under the name of Goldo,
7 G-O-L-D-O.

8 Q. Is the phone number that was associated with the phone
9 number 536, the last phone we were looking at, 485-8935, saved
10 as a contact in this exhibit we're looking at which is
11 Exhibit 465A?

11:59:26AM

12 A. Yes.

13 Q. What is that phone number saved as?

14 A. It's saved under the name of Nene, N-E-N-E.

11:59:44AM

15 Q. And that's the tenth saved contact?

16 A. Yes.

17 Q. Now, are you able to tell what the phone number is for
18 Exhibit 465A, the exhibit we're looking at now? And if we
19 could unzoom?

12:00:11PM

20 A. For this Exhibit 465A?

21 Q. Yes.

22 A. Yes.

23 Q. What is the phone number?

24 A. 585-203-7495.

12:00:25PM

25 Q. Now, is that the same phone number -- if we can turn back

1 to Exhibit 536A? And page 2? Is that the same number for the
2 second Barba contact?

3 A. Yes, it is.

4 Q. All right. Now, Investigator, were you also asked to
12:01:05PM 5 examine several phones seized from 292 Barrington Street on
6 January 29th, 2018?

7 A. Yes, I was.

8 Q. If you could take a look at the box to your left for
9 Exhibits 668, 669, 670, 671, 673, and 674?

12:02:12PM 10 A. Okay.

11 Q. You have those should be six phones there?

12 A. One, two, three --

13 Q. Or six exhibits rather.

14 A. One, two, three, four, five -- oh, not 668?

12:02:28PM 15 Q. Yes.

16 A. 668, 669, 670, 671, 672 --

17 Q. 673 should be the next one.

18 A. Not 672?

19 Q. No.

12:02:48PM 20 A. Okay. 673 and 674?

21 Q. Yes.

22 A. Okay.

23 Q. Are those all phones that you were asked to examine that
24 were seized from 292 Barrington Street?

12:03:00PM 25 A. Yes.

1 Q. And how do you know those are phones that you performed
2 extractions on?

3 A. They have my initials on the seals of the bag when I
4 resealed them, and the location, the report number in relation
12:03:15PM 5 to this case.

6 Q. Okay. Now, when you retrieved those phones to perform your
7 extractions, did you get them in a sealed condition?

8 A. Yes, I did.

9 Q. And were you able to perform extractions on all of those
12:03:26PM 10 six phones?

11 A. Yes.

12 Q. After you were done performing your extraction did you
13 seal them all up?

14 A. Yes, I did.

12:03:33PM 15 Q. Does your seal appear to be intact on all of those
16 exhibits?

17 A. Yes.

18 Q. Do they all appear to be in the same or substantially the
19 same condition as they were in after you performed your
12:03:44PM 20 extraction and sealed them back up?

21 A. Yes, except for where the evidence sticker was placed on
22 the actual phone, the bag was opened.

23 Q. Okay. And which exhibit are you referring to?

24 A. On 671.

12:04:06PM 25 Q. Okay. Does that phone 671 appear to be in the same or

1 substantially the same condition as it was in when you
2 examined it?

3 A. Yes.

4 Q. All right. Now, you mentioned you were able to perform
12:04:17PM 5 extractions on all of those exhibits?

6 A. Yes.

7 Q. If you could look in your binder at Exhibit 668A, 669A,
8 670A, 671A, 673A, and 674A? And let me know if you recognize
9 those documents generally.

12:05:04PM 10 A. Yes.

11 Q. What are those documents?

12 A. These are partial copies of the extraction reports that I
13 did in relation to these phones.

14 Q. Okay. So does Exhibit 668A correspond to the extraction
12:05:16PM 15 you performed on 668?

16 A. Yes.

17 Q. And so forth?

18 A. Yes.

19 Q. For all of them?

12:05:21PM 20 A. Yes.

21 Q. You mentioned those are just portions of the full
22 extractions that you did; is that correct?

23 A. That is correct.

24 Q. Do those appear to be fair and accurate copies of the
12:05:30PM 25 portions from the extractions that you performed on each of

1 those phones?

2 A. Yes.

3 **MS. KOCHER:** Your Honor, at this time I would offer
4 Exhibits 668 and the associated extraction, which would be
12:05:44PM 5 668A; 669 and the associated extraction 669A; Exhibit 670 and
6 the associated extraction which is 670A; 671 and the
7 extraction which is 671A; 673 and its extraction 673A; and 674
8 and its extraction which is 674A.

9 **MR. VACCA:** No objection, Your Honor.

12:06:20PM 10 **THE COURT:** 668 will be received; 668A will be
11 received; 669 received; 669A is received; 670 is received;
12 670A is received; 671 is received; 671A is received; 673 is
13 received; 673A is received; 674 is received and 674A is
14 received.

12:07:00PM 15 (**WHEREUPON**, Government's Exhibits 668-674 and 668A,
16 669A, 670A, 671A, 673A and 674A were received into evidence).
17 **BY MS. KOCHER:**

18 Q. If we could publish 668A? Investigator, what is this that
19 we're looking at here?

12:07:10PM 20 A. This is the first page of the extraction report. This
21 contains information about the case number, the device that
22 was used for the extraction, and then the types of extractions
23 that were done.

24 Q. And what phone does this extraction report relate to?

12:07:28PM 25 A. This is the one that is marked as 668 that says it's an

1 LG B470 flip phone.

2 Q. And that was seized from 292 Barrington Street?

3 A. Yes.

4 Q. All right. Now, if we could zoom in on the source --

12:07:51PM 5 within the source extraction, the file system, the bottom half
6 of the first page of Exhibit 668A. Were you able to determine
7 the phone number associated with that exhibit?

8 A. Yes.

9 Q. And what was the phone number?

12:08:11PM 10 A. So that was pulled from the logical extraction and it's
11 585-662-8164.

12 Q. And would you mind circling where that appears on this
13 extraction? So you've circled the phone numbers
14 1-585-662-8164 and that is to the right of user name?

12:08:44PM 15 A. Yes.

16 Q. Okay. Now, if we could turn back to Exhibit 10, the cell
17 phone chart. If you could clear your marks on the monitor as
18 well, Investigator? Thank you.

19 Do you see that phone number associated for
12:09:07PM 20 Exhibit 668, the LG flip phone listed on Exhibit 10?

21 A. Yes.

22 Q. And where is that phone number listed?

23 A. It is the fifth number down from the top.

24 Q. If you could circle that on the monitor? And you've
12:09:34PM 25 circled the fifth number down that's 662-8164 and it appears

1 to be in purple font?

2 A. Yes.

3 Q. And who is the user associated with that phone number?

4 A. Leitscha Poncedeleon.

12:09:52PM 5 Q. Okay. And if you wouldn't mind on the hard copy marking
6 the exhibit number that is associated with that phone? That
7 would be Exhibit No. 668. And placing your initials by that
8 as well.

9 A. Okay.

12:10:08PM 10 Q. Have you done that?

11 A. Yes.

12 Q. Okay. Now, turning back to the extraction report for
13 662-8164, if we could look at the third page of Exhibit 668A?
14 If you could clear your marks, Investigator? Thank you.

12:10:34PM 15 How many contacts were saved in this phone?

16 A. There were 16.

17 Q. And do some of those appear to be preprogrammed?

18 A. Yes.

19 Q. Of the ones that are not preprogrammed, what are some of
12:10:52PM 20 the saved names?

21 A. Barba, Gordo, Nene Trajajo, I don't know how -- the number
22 12, I don't know how to pronounce.

23 Q. If you could spell it?

24 A. P-R-I-E-T-O, E-S-P-E-J-U-E-L-O. And then Viejo.

12:11:44PM 25 Q. That's V-I-E-J-O?

1 A. Yes.

2 Q. That's the fourteenth saved contact?

3 A. Right, yes.

4 Q. Okay. Now, you mentioned Barba, that's the first saved
12:12:00PM 5 contact?

6 A. Yes.

7 Q. How about the entry Debe, D-E-B-E, entry number 6?

8 A. Yes.

9 Q. You also mentioned Gordo. That would be the eighth saved
12:12:09PM 10 contact?

11 A. Yes.

12 Q. And Nene Trajajo is the ninth saved contact, correct?

13 A. Yes.

14 Q. That's spelled N-E-N-E, T-R-A-J-A-J-O?

12:12:25PM 15 A. Yes.

16 Q. Was the phone number associated with the ninth contact
17 Nene Trajajo?

18 A. It is 585-485-4520.

19 Q. Okay. And what is the phone number associated with the
12:12:45PM 20 twelfth contact, which you spelled earlier, Prieto?

21 A. That is 585-353-8942.

22 Q. Okay. The number for the fourteenth contact saved, that
23 is Viejo?

24 A. 585-662-8156.

12:13:14PM 25 Q. Okay. Now, if you want to leave your binder open to that

1 page? I'm going to ask if we can turn to Exhibit 10, the cell
2 phone chart. Investigator, do you see any of those contact
3 numbers listed on Exhibit 10? We'll start with the Nene
4 Trajajo that was 485-4520.

12:13:42PM 5 A. Yes.

6 Q. If you could circle where that appears on the chart,
7 please? And you've circled the numbers 485-4520 in the middle
8 of the page, and the user associated with that phone number
9 according to this chart is Obed Torres Garcia?

12:14:04PM 10 A. Yes.

11 Q. Okay. Do you see the number for Prieto Espeijuelo 353-8942
12 on this chart? You might have to look at your hard copy.

13 A. Yes, I do.

14 Q. Okay. Now, looking at your hard copy, what contact entry
15 is that on Government's Exhibit 10?

16 A. That is for Orlando Yelder.

17 Q. Okay. Now, is that the second entry for Orlando Yelder?

18 A. Yes.

19 Q. And that is the contact number that you just amended the
20 first three digits of, correct?

12:14:46PM

21 A. Yes.

22 Q. So on the hard copy in front of you it says 353-8942?

23 A. Correct.

24 Q. And you also wrote the exhibit number down?

12:14:58PM

25 A. Yes.

1 Q. What exhibit number was that phone?

2 A. 782.

3 Q. Okay. Now, do you also see the contact number for Viejo,
4 which was 662-8156 on Government's Exhibit 10?

12:15:12PM 5 A. Yes, I do.

6 Q. Where is that?

7 A. That is the second number down.

8 Q. Okay. If you could circle that? You've circled 662-8156
9 and there's an asterisk next to that number, correct?

12:15:28PM 10 A. Yes.

11 Q. And who is the user associated with that phone number on
12 the chart?

13 A. Carlos Javier Figueroa.

14 Q. Investigator, moving on to Exhibit 669A, if you could
12:15:48PM 15 clear your marks? Do you recognize this extraction report?

16 A. Yes.

17 Q. And which phone does this extraction report relate to?

18 A. This is another LG B470 flip phone.

19 Q. Okay. And does this exhibit relate to the LG flip phone
12:16:11PM 20 that is marked Government's Exhibit 669?

21 A. Yes.

22 Q. Okay. Were you able to determine the phone number for
23 Government's Exhibit 669?

24 A. Yes.

12:16:22PM 25 Q. What was the phone number?

1 A. 585-485-4879.

2 Q. Okay. Now, turning back to Government's Exhibit 10, do you
3 see that phone number 485-4879 listed on Government's Exhibit
4 10?

12:16:51PM 5 A. Yes.

6 Q. Where is it listed?

7 A. It's the sixth number down under Leitscha Poncedeleon.

8 Q. Okay. If you could circle that on your monitor, please?
9 So you've circled the sixth number down 485-4879.

12:17:13PM 10 Investigator, if you could mark on the hard copy of
11 Government's Exhibit 10 the exhibit number associated with
12 that phone number, that would be Exhibit 669.

13 A. Okay.

14 Q. Have you done that?

12:17:27PM 15 A. Yes.

16 Q. Did you also place your initials by 669?

17 A. Yes, I did.

18 Q. Thank you. Turning back to the extraction report, I'd ask
19 to go to the second page of Exhibit 669A. If you could clear
12:17:44PM 20 your marks? Thank you. How many contacts were saved in this
21 exhibit?

22 A. 15.

23 Q. Were some of those preprogrammed contacts?

24 A. Yes.

12:17:55PM 25 Q. What were some of the names that were not preprogrammed?

1 A. Barba, Debe, Diente, Gordo, Princesa, Viejo.

2 Q. Okay. The contact Princesa, that is the eleventh saved
3 contact?

4 A. Yes, it is.

12:18:29PM 5 Q. And what is the phone number associated with that?

6 A. 585-485-9472.

7 Q. Okay. And how about Viejo, what is the contact number
8 saved for Viejo?

9 A. 585-635-7955.

12:18:52PM 10 Q. Okay. And Viejo is the thirteenth saved contact?

11 A. Yes.

12 Q. Ask you to take a look at Government's Exhibit 10, our
13 phone chart. Do you see either of those phone numbers saved
14 on, recorded on Government's Exhibit 10? That was the
15 Princesa contact number 485-9472?

12:19:11PM

16 A. Yes.

17 Q. And if you could circle that on your monitor? You've
18 circled the numbers 485-9472 on the monitor. Who is the user
19 associated with that phone number?

12:19:35PM 20 A. Roberto Figueroa.

21 Q. And how about the Viejo contact that was 635-7955? Do you
22 see that number listed?

23 A. 635 -- oh, 7955?

24 Q. Yes.

12:20:00PM 25 A. Yes.

1 Q. Is that the third number down?

2 A. Third number down.

3 Q. The user is redacted?

4 A. Correct.

12:20:05PM 5 Q. If you could clear your marks? Now, Investigator, I'd
6 also like to direct your attention to the fifth page of
7 Exhibit 669. What are we looking at here?

8 A. So this is part of this extraction. This extraction when
9 I pulled it did not get all the information off of the phone,
12:20:40PM 10 so I used a camera that is set up in the Cellebrite system
11 that downloads a video and then puts it into the extraction
12 report.

13 Q. Okay. What do you mean the extraction didn't get all of
14 the information?

12:20:58PM 15 A. It didn't pull -- so the only thing this extraction pulled
16 when I did a logical and file system were the contacts. I
17 don't believe it got any call data.

18 Q. Okay. So in order to get the call data you used a camera
19 and physically went --

12:21:20PM 20 **MR. VACCA:** Objection, Your Honor, leading.

21 **THE COURT:** Overruled. Go ahead.

22 **BY MS. KOCHER:**

23 Q. In order to get the phone log you had to use the camera?

24 A. Correct.

12:21:28PM 25 Q. And how did you use the camera?

1 A. I set up the camera, like I said, it's programmed to
2 download into the Cellebrite system just like it is a phone
3 extraction, it adds it to the extraction. And then basically
4 took a video of the contacts -- I'm sorry, of the calls that
12:21:47PM 5 were incoming and outgoing.

6 Q. Okay. So here page 5 of Exhibit 669A are we looking at a
7 screen shot of that video you would have taken?

8 A. Yes.

9 Q. Okay. And can you explain what we're looking at in this
12:22:03PM 10 screen shot?

11 A. So this is the phone when it's opened up, the flip phone
12 that's opened, we're looking at the dialed section. So if you
13 were to scroll to your phone to the call section and then it's
14 normally set up in incoming, outgoing and then missed calls.

12:22:26PM 15 This is the -- in this it's labeled as dialed, and this is a
16 portion of the dialed calls.

17 Q. And what is the dialed call information at the top of the
18 screen?

19 A. It says Viejo January 28th Sunday at 5:25 p.m..

12:22:50PM 20 Q. Okay. Are you looking at the -- if you could look at your
21 monitor?

22 A. I'm sorry. I must be on the wrong page.

23 Q. Okay. So what does the top entry in the dialed section of
24 the phone extraction say?

12:23:04PM 25 A. That is Viejo January 29th, Monday at 11:29 a.m..

1 Q. Okay. So does that -- since it's in the dialed section of
2 the phone, the person that had Exhibit 669 called the contact
3 Viejo January -- at 11:29 a.m. on January 29th, which was a
4 Monday?

12:23:31PM 5 A. Yes.

6 Q. And Viejo is one of the saved contacts in the phone,
7 correct?

8 A. Yes.

9 Q. I believe that was the phone number 635-7955 that you
12:23:45PM 10 identified on Government's Exhibit 10 as having a redacted
11 user?

12 A. Right.

13 Q. Next if we could move to Exhibit 670A? What is this cell
14 phone extraction that we're looking at?

12:24:15PM 15 A. This is an extraction for an LG phone that I did;
16 LG K330 K7 is the model number.

17 Q. Okay. And is this the extraction report that corresponds
18 to Exhibit 670?

19 A. Yes.

12:24:40PM 20 Q. Okay. Now, what are we looking at? We've zoomed in on
21 the bottom half of the extraction report here on your monitor.
22 Is that the first page of the extraction report?

23 A. This is the first page. It shows data from two separate
24 types of extractions, the file system and a physical. It has
12:24:57PM 25 information such as the machine that I used for the download,

1 the date and time, model number of the phone.

2 Q. Okay. Does the phone number show up in this section?

3 A. It does not.

4 Q. Okay. If we could turn to the second page? Zoom in on the
12:25:19PM 5 top half of the second page of extraction 670A. Is the phone
6 number listed on this page?

7 A. Yes, it is.

8 Q. And what was the phone number associated with Exhibit 670?

9 A. 585-629-2665.

12:25:39PM 10 Q. Now, Investigator, I'd like to have you look at what's
11 already been received into evidence as Exhibit 684D. This is
12 an RG&E residential service application. You have to look on
13 your monitor.

14 A. Yes, got you.

12:26:05PM 15 Q. Do you see that phone number that's associated with
16 Exhibit 670 on this rental residential application?

17 A. Yes.

18 Q. If you could circle where that appears? So you've placed
19 a circle around the numbers 585-629-2665 and that's in the
12:26:34PM 20 upper left portion of the application?

21 A. Yes.

22 Q. All right. And who is the billing name on this
23 residential application?

24 A. Leitscha Poncedeleon.

12:26:45PM 25 Q. If you can please clear your mark? Turning back to

1 Exhibit 670A, page 3, does the third page of this exhibit
2 include the contacts?

3 A. Some of the contacts, yes.

4 Q. How many contacts were saved in this phone?

12:27:11PM 5 A. 294.

6 Q. Okay. If we could turn to page 18 of Exhibit 670A? I'd
7 ask you to take a look at the contact entry 277. Who is the
8 name saved in that contact entry? It should appear on your
9 monitor as well.

12:27:34PM 10 A. Tito Bacalao.

11 Q. B-A-C-A-L-A-O?

12 A. Yes.

13 Q. And what is the phone number for that individual?

14 A. 585-200-8285.

12:27:53PM 15 Q. If we could stay on page 18 of Exhibit 670A, and zoom in
16 on the contact entry 286 and 287? What is the contact name
17 for these two entries?

18 A. Watson.

19 Q. Okay. And why are there two entries listed here for the
12:28:19PM 20 contact Watson?

21 A. So in this case it looks like it was saved in two
22 different -- two different times because it was pulled from
23 the same extraction, the physical extraction. It looks like
24 the number was saved in two different places or times.

12:28:50PM 25 Q. And do each of these contacts have the same contact phone

1 number for the individual Watson?

2 A. Yes.

3 Q. And what is that phone number?

4 A. 585-766-8057.

12:29:07PM 5 Q. Okay. And if we can turn to page 6 of Exhibit 670A? And
6 zoom in on contact entry No. 69 and 70. What is the contact
7 number for entry 69 and entry 70?

8 A. CJ.

9 Q. And what is the phone number associated with CJ?

12:29:34PM 10 A. 309-0985.

11 Q. Okay. Do you know why there are two entries for the same
12 individual CJ and the same phone number?

13 A. Again, it was saved at some point two different times.

14 Q. Okay. Investigator, I'll ask you to look back at
12:29:54PM 15 Government's Exhibit 10, the phone chart. Do you see the
16 phone number that was saved as Tito Bacalao in Exhibit 670A
17 listed on this chart? And that was 200-8285?

18 A. Yes, I do.

19 Q. And where is that?

12:30:20PM 20 A. It is the third one from the bottom.

21 Q. In blue font?

22 A. Yes.

23 Q. Okay. And the user associated with that phone number on
24 the chart is Jose Olivencia a/k/a Bacalao Tito?

12:30:34PM 25 A. Yes.

1 Q. How about the phone number for the contact Watson,
2 766-8057? Is that on Government's Exhibit 10?

3 A. Yes.

4 Q. And where is that?

12:30:51PM 5 A. It's the first one at the top.

6 Q. And that has a user of Carlos Javier Figueroa a/k/a Javi
7 a/k/a Big Bro?

8 A. Yes.

9 Q. And is associated with Exhibit No. 494?

12:31:08PM 10 A. Yes.

11 Q. And how about the contact number for CJ that was 309-0985?

12 A. Yes, that is the one at the very bottom.

13 Q. Okay. And the user associated with that number is Mickael
14 Grant a/k/a CJ?

12:31:27PM 15 A. Yes.

16 Q. Turning back to Exhibit 670A, I'd ask you to look at page
17 19. What are we looking at here on page 19?

18 A. This is the SMS, the short message service, messages, but
19 text messages basically.

12:31:57PM 20 Q. Okay. So SMS is commonly referred to as text message?

21 A. Text message, correct.

22 Q. And are these between the user of Exhibit 670A, that is
23 the phone number 629-2665, and one person in particular?

24 A. Yes.

12:32:18PM 25 Q. And who is that individual?

1 A. Mark Young.

2 Q. Mark Young cell?

3 A. Mark Young cell, yes.

4 Q. Now, can you explain some of the columns that we're

12:32:33PM 5 looking at in this report?

6 A. So the number column is just how the extraction when it
7 gets pulled takes whatever message they consider first and
8 labels that number one. So that's self-explanatory.

9 The folder would be in box, which means incoming.

12:33:00PM 10 Sent is going to be the outgoing messages.

11 The party, which is who it's either to or from.

12 The time stamps are -- is sent or received.

13 Miscellaneous looks like it's the phone number --

14 no, it's not the phone number.

12:33:28PM 15 Q. Is that miscellaneous?

16 A. It's not miscellaneous. I'm sorry, let me look at it --

17 Q. It says MSMC.

18 A. Let me see what it says. That -- I would have to look at

19 that in another view to see. Part of the problem with this

12:34:16PM 20 report is it doesn't give you all the information when you

21 print it out.

22 Q. Okay.

23 A. The other column is status, which is if it was read or not

24 or sent.

12:34:34PM 25 And then the other internal data -- the message

1 with some of the file path information on it.

2 The other one is deleted, what is yes, that means
3 the phone recovered -- the extraction recovered a deleted
4 message.

12:34:56PM 5 Q. Okay. So you mentioned these are text messages. So the
6 body of the text message would be contained in that column
7 entitled message?

8 A. Correct.

9 Q. Okay. So for this first entry the message -- the incoming
12:35:10PM 10 message said no?

11 A. Yes.

12 Q. And the last column indicates whether or not it had been a
13 deleted text message?

14 A. Correct.

12:35:20PM 15 Q. Next if we could take a look at Exhibit 671A. Do you
16 recognize this extraction?

17 A. Yes.

18 Q. And which extraction is that?

19 A. This is for a Samsung Galaxy S6 phone that I did in
12:35:48PM 20 relation to this investigation.

21 Q. Okay. And is this extraction report related to the phone
22 that's marked Exhibit 671?

23 A. Yes.

24 Q. Okay. Were you able to determine the phone number
12:36:00PM 25 associated with Exhibit 671?

1 A. Yes.

2 Q. Okay. And what was the phone number?

3 A. 302-444-1970.

4 Q. Now, you're looking at the hard copy of the report. Where
12:36:22PM 5 does that appear? We've zoomed in on the bottom half of the
6 first page.

7 A. The very bottom of this page. Right here.

8 Q. Okay. You've circled the last row, the numbers
9 302-444-1907, and that is to the right of MSISDN?

10 A. Yes.
12:36:45PM

11 Q. And you previously testified that MSISDN basically means
12 phone number?

13 A. Correct, it's a long way of saying phone number, yes.

14 Q. We're unzooming from the first page. Investigator, was
12:37:04PM 15 there another phone number associated with this phone?

16 A. So there was a number, yes, on the SIM card in the phone,
17 yes.

18 Q. Okay. And what was that other phone number?

19 A. That one is 302-807-9635.

12:37:24PM 20 Q. 807 or 607?

21 A. I'm sorry, 607.

22 Q. So 302-607-9635?

23 A. Correct.

24 Q. How can a phone have two phone numbers?

12:37:42PM 25 A. Well, you can have several phone numbers on a phone

1 depending on what apps you're using. You can get another
2 phone number from an app, you can have at one point switched
3 your SIM card. So depending on the technology of the phone,
4 some of them you could just simply change by putting a new SIM
12:38:06PM 5 card in, it would actually think that your phone is a
6 different phone number.

7 The other way is to call your provider and have
8 them switch the number of the phone for you.

9 Q. Okay. Now, I'd like to turn to Exhibit 494A, which has
12:38:21PM 10 already been received into evidence, the extraction report for
11 phone number 766-8057. If we could go to the contacts --
12 contact No. 223. I believe we're on page 18 of Exhibit 494A.
13 Investigator, do you recognize the phone number for this
14 contact entry 223?

12:39:04PM 15 A. Yes.

16 Q. And how do you recognize that number?

17 A. That's the number of the phone of 671.

18 Q. Okay. What is the name that that phone number is saved as?

19 A. Mi Hermano Hulk Rob.

12:39:23PM 20 Q. Okay. If we could go back to Exhibit 671A? The third page
21 and zoom in on contact number 66 and 67. What is the contact
22 name for entry 66 and 67?

23 A. That is Mi Hermano Carlos.

24 Q. What is the phone number associated with that contact?

12:39:53PM 25 A. 585-766-8057.

1 Q. That's the same phone number that is assigned to
2 Exhibit 494 that we just looked at?

3 A. Yes.

4 Q. And why are there two entries for Mi Hermano Carlos here
12:40:13PM 5 in entry No. 66 and 67?

6 A. There was two different extractions pulled. So a lot of
7 times it will pull twice -- the same information twice.

8 Q. Okay. Next if we could look at Exhibit 673A? What is this
9 extraction?

12:40:37PM 10 **THE COURT:** Before we do that, let's take a break.

11 **MS. KOCHER:** Okay, thank you, Your Honor.

12 **THE COURT:** Ladies and gentlemen, at this time we're
13 going to take a recess. In the meantime, do not discuss the
14 matter or allow anybody to discuss the matter with you. Jury
12:40:49PM 15 may step down. Stand in recess.

16 (WHEREUPON, there was a pause in the proceeding.)

17 (WHEREUPON, the defendant is present).

18 **THE COURT:** Bring the jury out.

19 (WHEREUPON, the jury is present).

01:15:29PM 20 **THE COURT:** You may continue.

21 **MS. KOCHER:** Thank you.

22 **BY MS. KOCHER:**

23 Q. Investigator, remind you that you remain under oath. All
24 right, so Exhibit 673A which has been received into evidence,
01:15:45PM 25 if we could publish that? Do you recognize that cell phone

1 extraction?

2 A. Yes.

3 Q. And is that associated with the cell phone marked
4 Exhibit 673?

01:16:03PM 5 A. Yes, it is.

6 Q. And what phone is that?

7 **THE JUROR:** We have double screen again.

8 **THE CLERK:** Hold on. Does that fix it?

9 **THE JUROR:** No.

01:16:27PM 10 **THE CLERK:** Hold on. I got to call IT, Judge. It
11 will take them two seconds.

12 **MS. KOCHER:** Judge, do you want to see if the
13 visualizer presents the same problem? Perhaps I can just --

14 **THE COURT:** We'll bring him down. It will only be a
01:18:01PM 15 minute.

16 In the meantime, I can make an announcement to the
17 jury. As chief judge I signed an order last night which is
18 going to allow all vaccinated people to be unmasked in the
19 public areas of the courthouse starting Tuesday, June 1st.

01:18:21PM 20 So if you're fully vaccinated, which means you've
21 had your shots, plus two weeks beyond that, you need to
22 provide proof at the door -- and that can be either the CDC
23 card or there's an Excelsior pass you can put on your phone.

24 If you got vaccinated somewhere like Wegmans, you
01:18:41PM 25 might have to go back and get a card if you didn't get one

1 originally. Monroe County can issue a card as well if you
2 didn't get it earlier.

3 You have to provide some proof. Once you do,
4 they're going to put a blue band on your hand so that CSOs
01:18:54PM 5 know that you've been vaccinated and you will not have to wear
6 a mask in the public areas of the courthouse. That's going to
7 apply to all members of the public -- unvaccinated members,
8 even if you're vaccinated and you want to wear a mask, you're
9 free to do that if you feel comfortable with a mask.

01:19:15PM 10 In every courtroom each judge gets to make that
11 determination within the courtroom and within chambers. As
12 far as I'm concerned, if you're fully vaccinated and you have
13 that wrist band, you need not wear a mask as of June 1st.

14 You'll see some people will continue to be masked.

01:19:38PM 15 I believe the marshals are directed -- all the marshals, all
16 CSOs, all the Federal Protective Police will wear a mask at
17 all times.

18 In addition, anybody who is using our daycare
19 center in the basement, all patrons of that daycare center and
01:19:57PM 20 all the employees will also be wearing a mask until things
21 change.

22 We're doing this based upon the guidance from the
23 CDC and New York State. And throughout this pandemic
24 obviously things have changed very rapidly, so we don't know
01:20:12PM 25 what's going to happen in the next few weeks, but if that

1 changes we'll let you know.

2 As of June 1st fully vaccinated persons can provide
3 proof, they will not have to wear a mask in public settings.
4 In my courtroom I don't have a problem with people being
01:20:28PM 5 unmasked if they're fully vaccinated, okay?

6 **MS. KOCHER:** Are the monitors back up and running?

7 **THE COURT:** It's working?

8 **THE CLERK:** Yes.

9 **THE COURT:** Did he fix it from afar? You may
01:20:44PM 10 continue.

11 **MS. KOCHER:** Thank you.

12 **BY MS. KOCHER:**

13 Q. Investigator, we have Exhibit 673A, the first page up on
14 the visualizer. And I believe you indicated this extraction
01:20:53PM 15 report is associated with the phone that's marked Exhibit 673?

16 A. Yes.

17 Q. What phone is that?

18 A. It's a Samsung model SM-J727T.

19 Q. Okay. And that was recovered from 292 Barrington Street?

01:21:11PM 20 A. Yes.

21 Q. Were you able to determine what the phone number was
22 associated with Exhibit 673 when you performed your
23 extraction? If we could zoom in on the bottom half?
24 Actually, I think we need to go to page 2.

01:21:32PM 25 A. It's on page 2.

1 Q. All right, we're on page 2 of Exhibit 673A, we're zooming
2 in on the top half. What was the phone number for this phone?

3 A. It's 585-743-0574.

4 Q. Where are you looking at that?

01:22:01PM 5 A. Oh, again, this is one with a SIM -- so the last known
6 phone number on this one is 585-743-0005.

7 Q. Okay.

8 A. This one is one with multiple phone numbers associated
9 with it.

01:22:21PM 10 Q. Okay. Are you able to tell from the extraction what the
11 last used phone number was for this phone?

12 A. Yes.

13 Q. What phone number was that?

14 A. The 585-743-0005.

01:22:41PM 15 Q. Okay. And can you circle where that phone number appears
16 on the zoomed in portion of Exhibit 674A, the second page?
17 All right, so you've circled the number 1-585-743-0005 and
18 that is to the right of the MSISDN?

19 A. Yes.

01:23:09PM 20 Q. Okay. All right, if we can go to Exhibit 10?
21 Investigator, I'll ask you to look at the hard copy that you
22 have in front of you. Do you see that phone number 743-0005
23 listed on the phone chart?

24 A. Yes.

01:23:24PM 25 Q. And where is that listed?

1 A. It's listed the seventh down with the name Roberto
2 Figueroa.

3 Q. Could you circle that on the monitor, please? And clear
4 your last mark. So you've circled the number seventh from the
01:23:51PM 5 top 743-0005 with an asterisk next to it?

6 A. Yes.

7 Q. And who is the user associated with that?

8 A. Roberto Figueroa.

9 Q. Now, Investigator, if you wouldn't mind on the hard copy
01:24:05PM 10 of Exhibit 10 that you have in front of you, if you could mark
11 the exhibit number associated with that phone number? And
12 that would be Exhibit 673 and your initials.

13 A. Okay.

14 Q. Have you done that?

01:24:19PM 15 A. Yes.

16 Q. Okay, thank you. Now, I'd like to turn back to the
17 extraction report that's 673A. If we could go to page 6? If
18 you could clear your mark on the monitor, please, and zoom in
19 on contact No. 67. Who is the name associated with entry 67?

01:24:45PM 20 A. It says Jashua, J-A-S-H-U-A.

21 Q. And what is the phone number associated with that contact?

22 A. 585-746-7281.

23 Q. Next I'd like to turn to the seventh page of Exhibit 673A
24 and zoom in on contact No. 90. Who is the contact name saved
01:25:15PM 25 there?

1 A. Lele, L-E-L-E.

2 Q. What is the phone number associated with that contact?

3 A. 585-685-4661.

4 Q. And, finally, if we could turn to the ninth page of

01:25:32PM 5 Exhibit 673A? And zoom in on contact Nos. 119 through 121.

6 Now, Investigator, does this appear to be the same contact
7 three times?

8 A. Yes.

9 Q. And is that because of the number of extractions that were

01:25:55PM 10 able to pull it from the phone?

11 A. So, yes. The one under 119 and 121 are because of the
12 different kinds of extractions. And then the one listed for
13 120 would be from another app other than the normal phone
14 contact. So maybe, for instance, a WhatsApp or some other
01:26:19PM 15 kind of application.

16 Q. Okay. And what is the contact name for this 119, 120 and
17 121?

18 A. Orlando.

19 Q. And what is the phone number for the entry 119 and 121?

01:26:35PM 20 A. It's 585-732-8902.

21 Q. Okay. If we could turn to Exhibit 10? Do you see the
22 contact numbers for Jashua, Lele and Orlando saved on this --
23 or marked on Exhibit 10?

24 A. So the last one we just talked about 732-8902, yes.

01:27:10PM 25 Q. If you could circle that on the monitor? Do you see the

1 other two contacts as well?

2 A. I'd have to look at the phone numbers again.

3 Q. I believe Lele was 685-4661.

4 A. Yes.

01:27:34PM 5 Q. And if you could circle that on the monitor? And the
6 Jashua contact was 746-7281.

7 A. Yes.

8 Q. If you can place a circle around that? So you've placed a
9 circle around the fourth number from the top?

01:28:00PM 10 A. Yes.

11 Q. The eighth number from the bottom and the tenth number
12 from the bottom?

13 A. That is correct.

14 Q. Okay, thank you. If you wouldn't mind clearing your
01:28:10PM 15 marks? Now, Investigator, I'd like to have you take a look at
16 Exhibit 674A. I believe this is the last extraction you
17 performed on phones from Barrington Street. Do you recognize
18 this extraction?

19 A. Yes.

01:28:27PM 20 Q. And what extraction report does this go to?

21 A. This is a LG B-470 flip phone.

22 Q. And is this extraction report associated with the phone
23 that's marked Exhibit 674?

24 A. Yes.

01:28:44PM 25 Q. Were you able to determine the phone number associated

1 with Exhibit 674? The first page of the extraction report
2 also appears on your monitor.

3 A. Yes.

4 Q. And does that appear on the first page?

01:29:09PM 5 A. Yes, it does.

6 Q. Could you please circle where the phone number appears?

7 And you've circled the numbers to the right of MSISDN that is
8 1-585-485-9472?

9 A. Yes.

01:29:30PM 10 Q. Now, if we could go to Exhibit 10, the cell phone chart.

11 Please let me know if you see that phone number associated
12 with Exhibit 674 on the chart that was phone number 485-9472.

13 A. Yes.

14 Q. Okay. And where is that?

01:30:01PM 15 A. It is listed under Roberto Figueroa.

16 Q. Okay. Could you clear your prior mark? Thank you. And
17 circle where 485-9472 appears. So you've placed a circle
18 around those numbers and it appears to be the eleventh from
19 the top in black ink?

01:30:23PM 20 A. Yes.

21 Q. And the user is Roberto Figueroa?

22 A. Correct.

23 Q. Investigator, if you could please mark in the exhibit
24 column the exhibit number that is associated with that phone,
01:30:34PM 25 that is Exhibit 674.

1 A. Okay.

2 Q. Okay. Did you place your initials by 674?

3 A. Yes, I did.

4 Q. Okay. Now, if we could go back to Exhibit 674A, the

01:30:56PM 5 extraction report, and turn to page 3? You can clear your
6 marks. Thank you. Does page 3 contain the contacts from that
7 phone?

8 A. Yes, it does.

9 Q. And how many total contacts are there?

01:31:12PM 10 A. 11.

11 Q. And some of those appear to be prepaid -- or
12 preprogrammed?

13 A. Correct.

14 Q. What are the contacts that do not appear to be
01:31:21PM 15 preprogrammed?

16 A. 1 -- the first one is Brotha, and then on the seventh line
17 Li, L-I.

18 Q. And the phone number associated with Brotha, it's
19 B-R-O-T-H-A, is that 585-635-7955?

01:31:43PM 20 A. Yes.

21 Q. And the phone number associated with Li, L-I, is
22 585-485-4879?

23 A. Yes.

24 Q. Now, turning back to Exhibit 10, do you see either of
01:31:58PM 25 those phone numbers listed on Government's Exhibit 10?

1 A. Yes, the one 485-4879 is the sixth one from the top.

2 Q. Can you circle that? You've circled the sixth number from
3 the top and the user is Leitscha Poncedeleon?

4 A. Yes.

01:32:33PM 5 Q. On your hard copy of Government's Exhibit 10, did you mark
6 an exhibit number there?

7 A. Yes.

8 Q. What exhibit number was that?

9 A. 669.

01:32:44PM 10 Q. Okay. And do you see the phone number for Brotha that was
11 635-7955?

12 A. Yes.

13 Q. And is that the third number from the top?

14 A. Yes, it is.

01:32:54PM 15 Q. With a redacted user name?

16 A. Yes.

17 Q. Okay. Investigator, we have one more phone. Were you also
18 asked to extract a phone that was seized on January 29th, 2018
19 from 820 East Main Street?

01:33:14PM 20 A. Yes.

21 Q. Apartment 14?

22 A. Yes.

23 Q. Okay. Do you have Exhibit 752 in front of you?

24 A. Yes, I do.

01:33:46PM 25 Q. What is Exhibit 752?

1 A. That is a AT&T cell phone seized from 820 East Main
2 Street.

3 Q. Okay. And is that a flip phone?

4 A. Yes.

01:33:58PM 5 Q. Okay. Now, when you were asked to perform the extraction
6 on that phone did you receive it in a sealed condition?

7 A. Yes.

8 Q. Are there other phones in that bag?

9 A. There are.

01:34:09PM 10 Q. Okay. Now, has the bag been opened so an exhibit sticker
11 can be placed on the one phone in particular?

12 A. Yes.

13 Q. Does the phone itself that's marked 752 appear to be in
14 the same or substantially the same condition as it was in when
01:34:23PM 15 you examined it?

16 A. Yes.

17 Q. Now, were you able to perform an extraction on that phone?

18 A. I was.

19 Q. And after you performed your extraction what did you do
01:34:34PM 20 with the phone?

21 A. I then returned it to the bag and sealed the bag.

22 Q. Does your seal appear to be intact?

23 A. Yes.

24 Q. Now, other than the fact that the bag is open today so an
01:34:50PM 25 exhibit sticker could be put on it, does it appear to be in

1 the same or substantially the same condition as it was in when
2 you completed your examination, resealed it and submitted it
3 back to property?

4 A. Yes.

01:35:03PM 5 Q. Okay. Now, I'd ask you to take a look at Exhibit 752A in
6 your binder. Do you recognize what 752A is?

7 A. Yes, this is the extraction report regarding this phone.

8 Q. Okay. And this phone meaning Exhibit 752?

9 A. 752, yes.

01:35:28PM 10 Q. Is that the full extraction or just portions of it?

11 A. This is a partial extraction report.

12 Q. Okay. And does that partial extraction report appear to be
13 a fair and accurate copy of the extraction report or the
14 extraction you completed of that phone?

01:35:48PM 15 A. Yes.

16 **MS. KOCHER:** Your Honor, at this time I'd offer
17 Exhibit 652 -- I'm sorry, 752 and 752A.

18 **MR. VACCA:** No objection, Your Honor.

19 **THE COURT:** Okay, I had 752 as previously received.
01:36:02PM 20 752A will be received.

21 **MS. KOCHER:** Thank you, Your Honor.

22 (**WHEREUPON**, Government's Exhibit 752A was received
23 into evidence).

24 **BY MS. KOCHER:**

01:36:08PM 25 Q. If we could publish 752A? Investigator, when you

1 performed your extraction on this phone were you able to
2 determine the phone number?

3 A. Yes.

4 Q. Zooming in on the source extraction portion of page 1 of
01:36:23PM 5 Exhibit 752A, could you circle where the phone number appears?
6 You've circled the numbers 1-585-485-4520 and that is to the
7 right of the user name?

8 A. Yes.

9 Q. Now, if we could turn to Government's Exhibit 10? Do you
01:36:47PM 10 see that phone number? Clear your marks, thank you. Do you
11 see that phone number 485-4520 on this exhibit?

12 A. Yes, I do.

13 Q. If you can circle it on your monitor? You've circled the
14 numbers 485-4520. Who is the user associated with that phone
01:37:16PM 15 number on the chart?

16 A. Obed Torres Garcia.

17 Q. Investigator, if you could write in the exhibit number
18 that is associated with that phone number, that is Exhibit No.
19 752 and place your initials on the hard copy?

01:37:33PM 20 A. Okay.

21 Q. Thank you. Turning to the third page of Exhibit 752A, the
22 contacts, if you could clear your mark on the monitor? We've
23 zoomed in on the seventh saved contact. What is the name of
24 the seventh entry?

01:37:57PM 25 A. The name is Flaquita.

1 Q. F-L-A-Q-U-I-T-A?

2 A. Yes.

3 Q. And the phone number is 585-662-8164?

4 A. Correct.

01:38:11PM 5 Q. Next if you could take a look at the ninth entry. What is
6 the name of that entry?

7 A. Hulk.

8 Q. Okay. And the phone number is 585-662-8156?

9 A. Yes.

01:38:28PM 10 Q. Next I'll ask you to take a look at the tenth entry which
11 is J, correct?

12 A. Yes.

13 Q. What is the phone number for J?

14 A. 585-485-9001.

01:38:45PM 15 Q. Okay. And if we could go to the third entry, what is the
16 name of that contact?

17 A. Customer, spelled C-U-S-T-U-M-E-R.

18 Q. Okay. And that is a phone number -- it's a 315 area code?

19 A. Yes.

01:39:04PM 20 Q. Does that appear to be a preprogrammed set number?

21 A. No.

22 Q. Now, if we could look back to Exhibit 10? Investigator,
23 do you see any of those contact numbers for Flaquita, Hulk or
24 J on Exhibit 10? If you could circle them on the monitor?

01:39:35PM 25 A. Once of the ones was 485-9001?

1 Q. Yes.

2 A. Yes.

3 Q. You've circled the numbers 485-9001 that is for user Obed
4 Torres Garcia and Exhibit 464?

01:39:51PM 5 A. Yes.

6 Q. Okay. I believe Flaquita was another contact 662-8164?

7 A. Yes, that is fifth one down.

8 Q. Okay. And you've circled the phone number five from the
9 top user is Leitscha Poncedeleon?

01:40:17PM 10 A. Yes.

11 Q. And on your hard copy of Government's Exhibit 10 have an
12 exhibit number for that phone?

13 A. 669 -- I'm sorry, 668.

14 Q. Okay. And Hulk, do you see the phone number for 662-8156?

01:40:42PM 15 A. Yes.

16 Q. Is that the second from the top?

17 A. Yes, it is.

18 Q. You've circled that number and there's an asterisk by that
19 number as well?

01:40:50PM 20 A. Yes.

21 Q. And who is the user associated with 662-8156?

22 A. It's Carlos Javier Figueroa a/k/a Javi a/k/a Big Bro.

23 **MS. KOCHER:** Thank you, Investigator. I don't have
24 any further questions. Your Honor, we will upload Exhibit 10
01:41:11PM 25 with Investigator Ferro's markings on it into Trial Director.

1 **THE COURT:** Thank you. Are you going to be a while,
2 Mr. Vacca?

3 **MR. VACCA:** Yeah, probably.

4 **THE COURT:** Okay, we're going to break, ladies and
5 gentlemen, at this time. We're going to recess until next
6 Tuesday, June 1st.

7 (**WHEREUPON**, proceedings adjourned).

8 * * *

9 **CERTIFICATE OF REPORTER**

10

11 In accordance with 28, U.S.C., 753(b), I certify that
12 these original notes are a true and correct record of
13 proceedings in the United States District Court for the
14 Western District of New York before the Honorable Frank P.
15 Geraci, Jr. on May 27th, 2021.

16

17 S/ Christi A. Macri

18 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)
19 Official Court Reporter

20

21

22

23

24

25

01:41:20PM